

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 869 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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JAGRUT JANTA GENERAL LABOUR UNION

Versus

STATE OF GUJARAT

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Appearance:

MR NR SHAHANI for Petitioner

MR DA BAMBHANIA for Respondent No. 1

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CORAM : MR.JUSTICE J.N.BHATT

Date of decision: 27/02/97

ORAL JUDGEMENT

Rule. Mr D.A.Bambhania waives services of rule on behalf of the respondent.

The petitioner Union, which is a registered Union, has made a representation to the respondent State of Gujarat for abolition of contract labour system. The petitioner has contended that the respondent Government has yet not

initiated action in this behalf and in the meantime, the employer is indulging in such wide scale of contract labour system. It is, therefore, the case of the petitioner that the State Government is required to make reference and decide about the abolition of the contract labour system having regard to the four factors enumerated in section 10(2) of the Contract Labour (Regulation and Abolition) Act, 1970 and also having regard to the wages and other conditions of service.

It appears from the petition that the petitioner Union had written one complaint as early as in 1992. Of course, a copy thereof is not placed on record stating that it is not traceable. Thereafter, the petitioner had made detailed complaint on 8.1.97 and sought abolition of contract labour system in 23 activities listed in para 2 of the said letter.

After having considered the facts and circumstances and time elapsed so far, the respondent State is directed to consider and decide the representation of the petitioner Union as expeditiously as possible but not later than eight weeks from the date of receipt of writ of this court, in accordance with law. The respondent is also directed to take early action and decision after the report from the State Contract Labour Advisory Board.

In view of the aforesaid directions, the petition is partly allowed. Rule is made absolute to the aforesaid extent. Office is directed to transmit the writ as early as possible.

Direct service permitted.

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